

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
: _____
-against- : 19-CR-212-2 (VEC)
: _____
PERRY WELLS, : ORDER
: _____
Defendant. :
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VALERIE CAPRONI, United States District Judge:

WHEREAS on November 4, 2021, Mr. Wells filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, Dkt. 303;

WHEREAS on November 4, 2021, the Court denied Mr. Wells' petition, Dkt. 304; and

WHEREAS on November 18, 2021, Mr. Wells filed a notice of appeal of the Court's decision, Dkt. 305;

IT IS HEREBY ORDERED that the Court declines to issue a certificate of appealability. Petitioner has not made a substantial showing of a denial of a federal right pursuant to 28 U.S.C. § 2253(c), and appellate review is therefore not warranted. *Love v. McCray*, 413 F.3d 192, 195 (2d Cir. 2005).

IT IS FURTHER ORDERED that the Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to open a parallel civil case for Mr. Wells' habeas petition. The documents at 19-CR-212, Dkts. 303, 304, and 305 as well as this Order should be docketed as docket entries 1, 2, 3, and 4 in the new civil case. The Clerk of Court is further directed to

mail a copy of this Order to Perry J. Wells, Reg. No. 86769-054, FCI Fort Dix, Federal Correctional Institution, P.O. Box 2000, Joint Base MDL, NJ 08640, and to note the mailing on the docket.

SO ORDERED.

Date: November 23, 2021
New York, NY

Valerie Caproni

VALERIE CAPRONI
United States District Judge